

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6113

BILL NUMBER: HB 1030

NOTE PREPARED: Oct 26, 2004

BILL AMENDED:

SUBJECT: Suspension of Vehicle Registration and Plates.

FIRST AUTHOR: Rep. Burton

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill: (1) requires the suspension and surrender of a person's license plate and registration if the person: (A) is subject to an order suspending the person's driving privileges for an operating while intoxicated (OWI) conviction; or (B) has traffic violation convictions as an unlicensed driver and a conviction for OWI; (2) allows a person whose license plate and registration are suspended to receive a reinstatement plate that contains unique numbers and letters identifying the plate as a reinstatement plate; (3) requires the Bureau of Motor Vehicles (BMV) to maintain a record of license plate and registration suspensions to the extent these records are not already kept by the BMV; (4) creates a fee for reinstatement of a suspended license plate and registration; and (5) provides criminal penalties for the unlawful sale, transfer, or operation of a vehicle subject to license plate and registration suspension.

Effective Date: July 1, 2005.

Explanation of State Expenditures: This bill will require start-up costs for the BMV estimated at \$36,074. These costs consist of computer changes for the new license plate estimated at \$32,524; computer changes for restricted issuance of the plate estimated at \$599; and the plate design estimated at \$2,951. Annual on-going expenditures are estimated at \$1,350. The fund affected is the Motor Vehicle Highway Account which supports the BMV. These costs can be absorbed within their current budget. The proposal allows the BMV to adopt rules to implement the proposal.

Explanation of State Revenues: The proposal provides for a reinstatement fee of \$10. The specific amount of revenue generated from this newly created fee will depend upon the number of violations and reinstatements. The fund affected is the Motor Vehicle Highway Account. The revenue generated may cover the costs listed above in the *Explanation of State Expenditures*.

Penalty Provision: Violations of certain provisions of the bill may result in a Class C misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C misdemeanor is \$500. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

If a criminal action, infraction, or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

Explanation of Local Expenditures: *Penalty Provision* A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Bureau of Motor Vehicles.

Local Agencies Affected: Trial courts, local law enforcement agencies.

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